

**REMARKS**

Applicant and Applicant's attorney appreciate the time and consideration extended by Examiner O'Shea and Examiner Choi during the telephone interview of June 28, 2005. The discussion during the interview is summarized throughout this amendment.

Claims 1 and 3 stand rejected under 35 U.S.C §103(a) as being obvious to one skilled in the art over *Howell*, U.S. Patent No. 3,887,093 in view of *Nigh*, U.S. Patent No. 1,415,465.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). MPEP §2142. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The requirement for an obviousness rejection was discussed during the interview.

Claim 1 requires a first stanchion and a second stanchion, each of which are located on a rear portion of a vehicle trailer. Each stanchion has an electrical light that is mounted on the stanchion. The electrical light is present within a

housing. The housing is mounted on the stanchion so that the housing is viewable from the driver's seat of a vehicle that is towing the trailer. Each electrical light has a front concave and colored lens and a rear concave and colored lens.

It is the examiner's position that it would be obvious to mount the light of *Nigh* on the rear stanchions **10** of *Howell* to arrive at the invention of Claim 1.

The Applicant traverses this rejection. First, the combination of references does not teach all of the claim limitations. Second, there is no suggestion or motivation to combine the referenced teachings.

Claim 1 requires each of the first electrical lights to have a front concave and colored lens and a rear concave and colored lens. This feature is not taught by *Nigh*. *Nigh* teaches "a transparent convex closure at the front side" (Claim 1 or Claim 7 of *Nigh*) "and a mirror surrounded by an annular V-shaped red closure of glass or the like in its rear". Lines 46-48. *Nigh* fails to meet the limitations of Claim 1 with regard to the first electrical light and the second electrical light. *Howell* is cited as teaching rear stanchions, and is not cited for the purpose of attempting to meet the limitations of the first electrical light or the second electrical light. However, *Howell* does not teach an electrical light having both a rear lens and a front lens, whether concave or otherwise. This deficiency was acknowledged during the telephone interview.

Claim 1 also requires colored lenses on both the front and the rear. During the telephone interview with the Examiners, who stated that "transparent is a color". However, color implies that a certain wavelength of light that corresponds to the color is reflected by the color to the eye of the observer. Something that is transparent, by its very nature, does not reflect a wavelength of light. Similarly, the term "translucent" does not inherently indicate color, nor does *Nigh* indicate that the closure 10 has any color. Quite the contrary, the specification of *Nigh* intends that light is to be projected to the front of the vehicle by the signal without color. The combination of *Howell* and *Nigh* fails to meet the limitations of Claim 1, since there is no teaching in the combination of an electrical light having front and rear colored lenses.

The Official Action states that *Howell* teaches a housing "mounted on the stanchion and the housing is viewable from the driver's seat of a towing vehicle" as required by Claim 1. There is no such teaching in *Howell*. *Howell* teaches "(w)hether lights are positioned at the top or the bottom position (of the stanchion) the placement thereof is at the extreme width of the load, where clearance lights properly belong" (Column 3, lines 32-33, emphasis added). *Howell* does not teach that the lights are viewable to the driver of the vehicle that is towing the trailer. In fact, *Howell* indicates that the lights may be at a low position on the stanchion where they certainly would not be seen by the driver of the vehicle towing the trailer. However, *Howell* does not indicate that the lights

may be seen by the driver of the towing vehicle even if mounted in the top position, and the structure of the light of *Howell* would not lend itself to being seen by the driver, even if mounted above the vehicle that is loaded on the trailer.

The combination of references does not suggest positioning a light on either side of a rear portion of a trailer so that a lens of the light projects toward the front of the trailer, wherein this front lens is viewable from a driver's seat of a towing vehicle. *Howell* teaches mounting of a light on a stanchion so that the light "will never be underwater." *Howell*, column 3, line 30. *Howell* teaches a light that is directed only to the rear. There is no teaching of a light that projects toward the front of the trailer, nor is there any suggestion or motivation to position a light that projects to the front so that the driver of the towing vehicle will be aware of the position of each side of the rear of the trailer.

*Nigh* teaches a light having a mirror on one side thereof. "The mirror 11 serves to enable the driver to see approaching cars." (lines 69-71 of *Nigh*). In other words, one side of the *Nigh* device is a rear view mirror. Accordingly, the *Nigh* light "is commonly mounted on the side of the windshield on the left side of the machine, or it may be mounted in any other convenient place on the left side of the mirror where the mirror 11 will serve the purpose of reflecting to the driver of vehicles from the rear." (*Nigh*, lines 77-83).

Accordingly, *Nigh* teaches mounting the light in front of the driver. *Nigh* expressly teaches away from mounting the light behind the driver, as required by the present invention. The term “trailer” inherently means “something that trails”. Therefore, by mounting the light on the rear of the trailer as required by Claim 1, the light is mounted behind the towing vehicle and behind the driver. Not only is there no suggestion or motivation found in *Nigh* to mount his light on a trailer, or behind a driver, *Nigh* expressly teaches away from such positioning.

Further, the combination of references does not teach how the light of *Nigh* would be positioned on the stanchion of *Howell*. Would the light be mounted so that the white light from the *Nigh* closure is directed to the front? If so, this light would confuse to the driver of the towing vehicle, since the driver may mistakenly assume that the pair of white lights are the headlights of another vehicle. Would the side containing the combination of the mirror and the red lens be directed to the front? In some states of the United States, it is illegal to have a red light that is visible from the front of the vehicle, since red lights are intended to indicate the rear of a vehicle. This combination of references further fails to meet the limitations of Claim 1, since there is insufficient teaching in the references as to how to mount the light of *Nigh* on the stanchions of *Howell* to arrive at the teachings of Claim 1.

Claim 3 also stands rejected over *Howell* in view of *Nigh*. The Office Action states that “*Nigh* discloses the rear concave and colored lens is red, and

the front concave lens and colored lens of the first electrical light is amber." *Nigh* contains no teaching of an amber lens, or the combination of a red lens and an amber lens on opposing sides.

Claim 5 is added hereby. Claim 5 requires that the housing of the first electrical light and the housing of the second electrical light are positioned above a gunwale of a boat that are present on the trailer. Support for this Claim is found on page 6, lines 10-12 of the specification. This feature is not taught by the prior art of record.

Newly added Claim 6 requires that the front and rear concave and colored lens of the electrical light do not extend outwardly beyond the housing. This feature is not taught by the prior art. Support for this feature is found in Figure 3, and on page 4, lines 13-15 of the specification. Newly added Claims 8 and 9 add this requirement for Claim 2. Claim 11 adds this requirement for the third electrical light.

Newly added Claim 7 requires that the housing of the first electrical light is mounted over the top of the first stanchion. This limitation is not met by the cited references. *Howell* teaches a light that is mounted to the side of the stanchion, and not over the top of the stanchion (see Figure 1 and Figure 6 of *Howell*). Newly added Claims 12 and 13 add this requirement for the second electrical light.

Claim 1 is amended hereby. The amendment is not for the purpose of overcoming the prior art, however, the amendment obviates the drawing objection. In any event, Figure 1 shows a second electrical light mounted on stanchion **18**, with the light mounted above a bowed vehicle that is positioned on the vehicle trailer. Accordingly, even if Claim 1 were not amended, no drawing correction is required.

New drawings are enclosed herewith having the reference numbers formally applied.

The Specification is amended to correct a typographical error.

It is respectfully submitted that Claims 1-13 are in condition for allowance. Review and allowance at the earliest possible date is requested.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this Response to Office Action Dated July 6, 2005, Replacement Drawings, and Post Card are being deposited with the United States Postal Service, with sufficient postage attached thereto, in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 6th day of July, 2005.

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